

at, the nature of the jurisdiction of the Court is essentially involved, and it is therefore proper I should state what I conceive to be the character of the Court. The Vice Admiralty Courts in the possessions abroad, of the United Kingdom, are not Local but National Courts, as a reference to the objects to which their jurisdiction applies must render apparent. With the exception of that branch of Admiralty jurisdiction which embraces captures and questions *Jure belli*, the Vice Admiralty Court here exercises of right the Admiralty and Maritime jurisdiction conferred upon it, in common with the Vice Admiralty Courts in the various possessions of the United Kingdom. This jurisdiction comprehends the two great classes of cases, whereof the one depends upon locality, and the other upon the nature of the contract. The first respecting, as it does, acts or injuries done upon the high seas, where all nations claim a common right and common jurisdiction, are not of mere municipal jurisdiction, but are appropriated to the Admiralty Courts as to national tribunals. The second class of cases may sometimes affect the commerce and navigation of Foreign nations, and when they do so, they are to be assimilated to the first; but even when the interests of Foreigners or the rights of Foreign nations are not involved therein, they have relation to the trade, navigation and commerce of the United Kingdom, and are therefore also fitly appropriated to these national tribunals. The jurisdiction of the Vice Admiralty Courts under the laws relating to trade or navigation, conferred upon these Courts by Statutes of the Imperial Parliament, is derived from a national source, and is also of a national character. If the view which I have thus far taken of the subject be correct, the jurisdiction of the Vice Admiralty Court would seem to be indispensable.

Has the Legislature of this Province power to reduce the fees received in the Vice Admiralty Court?—The Legislature of the Province has not the power of reducing the fees to be received by the Officers or Practitioners of the Vice Admiralty Court. The power of creating Admiralty Courts is a power incident to Sovereignty, and this power as well as the incidental power of regulating them can only be exercised by a Sovereign and independent State. The question then under consideration, does not touch the powers which may or ought to be exercised by the Colonial Legislature, but has relation to a known and universally acknowledged power belonging to Sovereignty, which it is the interest of every portion of the Empire—and of none more than of the Colonies themselves—to have maintained in its full and absolute integrity. Any regulations too, touching Vice Admiralty Courts, seem to be directly within the scope of the authority of the Supreme Legislature to regulate the trade and commerce of the Empire, a power which is expressly declared by the Constitutional Act of Canada (3 and 4 Vic., c. 35, s. 43). As these Admiralty Courts are National Courts as to all Foreign States, so they may also be considered as National Courts in a more restricted sense, with reference to the dependencies of the Crown, and in relation to the trade and commerce of the Empire, the regulation whereof is in the Metropolitan State. In either point of view, their creation and regulation belongs to the Metropolitan authority; and this draws along with it, of necessary consequence, and as incident to the main power, the power of establishing the fees of the Officers of these Courts either mediately or immediately.

Independently of these more general considerations, it is to be observed that the Statute 2 Will. IV, c. 51, prohibits the taking of any other than the fees established under the authority of that Statute, and that by a provision contained in the Statute 8 and 9 Vic., cap. 93, sec. 63, re-enacting almost in the same words a provision of 7 and 8 Will. III, cap. 22, sec. 9, repealed by 6 Geo. IV, c. 105—"All laws, By-laws, usages and customs, at the time of the passing of this Act, or which hereafter shall be in practice, or endeavoured or pretended to be in force or practice, in any of the British Possessions in America, which are in any wise repugnant to this Act, or to any Act of Parliament, made or hereafter to be made in the United Kingdom, so far as such Act shall relate to and mention the said possessions, are and shall be null and void to all intents and purposes whatsoever." Therefore, any establish-